

Commenter: KMC Telecom Inc.
Applicant: BellSouth
State: Louisiana
Date: November 25, 1997

Attachment 2

Affidavit of Robert W. Walker
on Collocation
(Copy of affidavit submitted in BellSouth South Carolina proceeding)

AFFIDAVIT OF ROBERT W. WALKER

I, Robert W. Walker, being first duely sworn, do hereby depose and state as follows:

1. I am an independent consultant, engaged by KMC and others to assist in the technical aspects of interconnection agreements with the Incumbent local exchange carriers (ILECs). I have my own company, Comsource, Inc., based in Glen Ellyn, Illinois. During the last year I've worked on such agreements with Ameritech, Bell Atlantic, BellSouth, GTE, NYNEX, Puerto Rico Telephone Company, Sprint, Southwestern Bell and US West.

I have thirty-eight years experience in the telecommunications industry, with thirty-three of those years with Illinois Bell and Ameritech in a wide range of executive and technical positions. My assignments included Director of Advanced Technology Deployment, Director of Technology for Ameritech Development Corporation Director of Transmission for Illinois Bell and finally, Director of Transport Planning, for Illinois Bell the position I held prior to my departure from Ameritech in 1993.

2. In order to offer telecommunications service over a wide area, it is often necessary for competitive carriers to combined unbundled network elements from the ILEC to satisfy customer requirements. For example, a business customer whose main offices are served by a competitive carrier using the carrier's own facilities may also want that carrier to provide service to one or more remote locations. While the main offices are sufficiently close to be connected directly to the CLEC's facilities, it is not uncommon for a business to also want service to a remote location, e.g., a warehouse or sales office that is not close to the CLEC's own facilities. To provide service to such locations the CLEC typically deploys digital loop carrier (DLC) and purchases unbundled two or four-

wire local exchange loops and interoffice transport facilities from the ILEC. These local loop facilities are typically interconnected to interoffice transport facilities at the ILEC wire center serving the remote location.

3. There are many variations of this basic situation. For example, a competitive carrier may want to obtain unbundled voice-grade local exchange circuits and connect them to unbundled switch ports, both provided by the ILEC. This is for the purpose of providing service to a business with several locations by a single carrier with a single billing agreement, where it is not possible to serve all the customers' locations with the competitive carrier's own facilities.
4. There are many such circuits presently in service today throughout the industry. This affidavit addresses the problems that will arise should the incumbent carrier refuse to connect, or insist on disconnecting, the connections that are currently in service between the separate unbundled elements in these circuits.
5. If the incumbent carrier insists the competitive carrier collocate at each site where reconnection of formerly combined unbundled elements is required, there will be a vast increase in the number of collocated sites and a significant change in the nature and function of the collocation site. That is because a competitive carrier will have to collocate not only at the point where its network interconnects with the ILEC's, but also will have to collocate at any point where it is necessary to combine unbundled network elements in order to construct an end-to-end circuits reaching remote locations. Obviously, in some locations collocation may be necessary in all end offices.
6. I am advised that BellSouth imposes constructions charges based upon a minimum collocation space of 100 square feet. That may be a reasonable requirement for collocation as presently in use, to achieve interface between the competitive carrier's network and the incumbent's. However, if collocation is required merely to provide interconnection of unbundled elements, then 100 square feet minimum is massive overkill.

For example, interconnection of a voice-grade local exchange loop with a ILEC switch port, could require a simple terminal block in the collocation area, which could be mounted on a single 19 or 23-inch relay rack as is shown in sketch "A". A standard 23-inch, seven foot self-supporting relay rack (Newton Instrument Company Fig 4013B) requires a mounting space of 15 inches by 24-5/16 inches or about 2.5 square feet. Such a relay rack would mount only terminal blocks to facilitate the interconnection of unbundled elements. No electronics or other "active" equipment would be mounted in this bay. A typical configuration is shown in sketch "B". In such a situation, a 100 square foot collocation cage containing a single interconnection would be mostly wasted empty space.

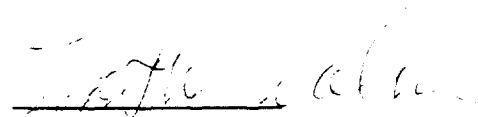
Even this modest arrangement is overkill, since the cross-connect block could be prewired and mounted on the ILEC's main distributing frame (MDF). No access by the CLEC would be necessary and the terminal assignments could be made on the service request.

7. Indeed, even in the present situation, space is limited and some ILECs' wire center buildings have run out of space for collocation. With the likely proliferation of collocation requests resulting from the ILECs' newfound right to disconnect already combined elements, it is reasonable to anticipate that the space problem will be exacerbated.
8. Under present rules, when space is not available for physical collocation, the ILEC is required to provide virtual collocation. However, these rules were designed for the collocation required to achieve inter-network connection. In that situation, where the networks cannot be connected at a particular site, it is feasible to interconnect at an alternate location. But when the interconnection of formerly combined unbundled elements is the issue, frequently it can only be done at a single site, and a physical presence at the ILEC wire center is required. For example, when a local exchange loop is connected to an ILEC switch, that can only be done where the switch is located. Virtual collocation is simply not possible. That leaves open the issue of how connection between unbundled elements will be handled when space for

physical collocation is exhausted.

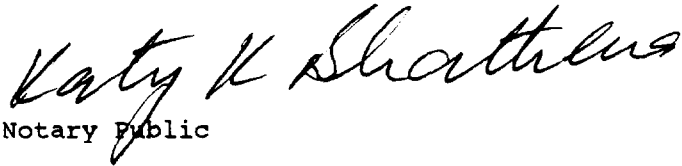
9. In its collocation agreement, BellSouth (and every other ILEC to my knowledge) allows only a single tenant for every collocation space. This restriction makes it impossible to maximize utilization of the existing space, and increases the possibility that proliferating requests for collocation sites at ILEC wire centers will exhaust the available collocation space.
10. Another difficulty is the time typically taken to negotiate a collocation agreement with BellSouth. I am advised that at present it takes three months to four months. This may not be unreasonable where collocation is for the purpose of connecting the competitive carrier's network to the ILEC's network, since this is an event that only happens once at each time the competitive carrier prepares to enter the market in a particular LATA. However, if collocation is needed at every wire center where a new customer may have a facility needing service, the resulting delay will be unacceptable to most customers and would be a serious obstacle to the customer signing with a competitive carrier.
11. The present schedule of collocation charges involves several substantial charges that are insensitive to the amount of space required. For example, BellSouth requires an application fee of \$3,850.00 for physical collocation, construction charges of \$4,500.00. The practical effect, where a small amount of space is required, is to force the competitive carrier requesting collocation to pay an exorbitant amount for the particular space utilized. Often, the excess cost of collocation could preclude offering service economically.
12. In light of the recent court decision on combining unbundled network elements (UNEs), it's evident that collocation, as it is presently defined by most of the ILECs, is unable to fill its new role of combining UNEs. Clearly, the situation is now different and there is a need to formulate new rules for collocation for the express purpose of combining UNEs.

I hereby swear that the forgoing is true and correct to the best of my information and belief.

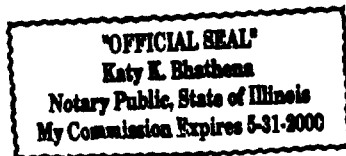


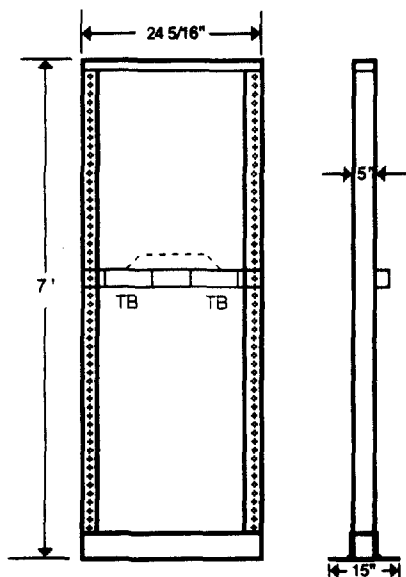
Robert W. Walker

Subscribed and sworn to before me this
12th day of November, 1997



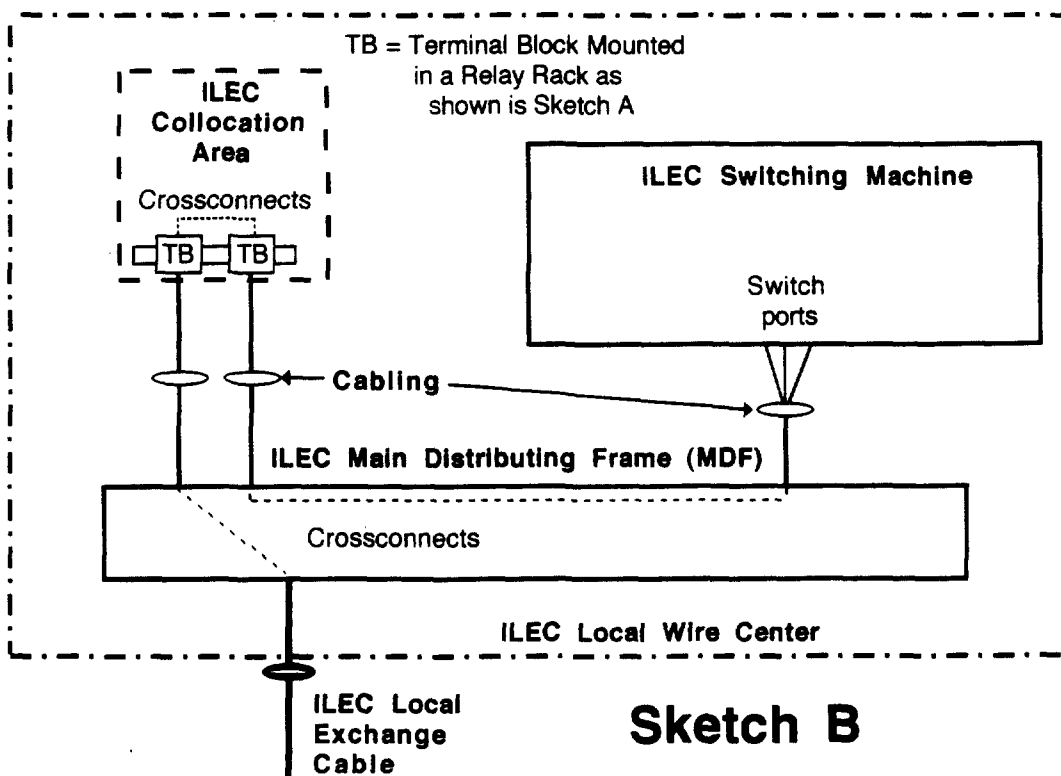
Notary Public





Sketch A

Typical 23 inch, self-supporting relay rack requires about 2.5 square feet of floor space to mount



Sketch B

Note: All local exchange cables are normally terminated on the MDF.

Commenter: KMC Telecom Inc.
Applicant: BellSouth
State: Louisiana
Date: November 25, 1997

Attachment 3

Declaration of Larry Miller
on OSS
(Copy of declaration submitted in BellSouth South Carolina proceeding)

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Application by BellSouth Corporation,)	
BellSouth Telecommunications, Inc., and)	CC Docket No. 97-208
BellSouth Long Distance, Inc., for)	
Provision of In-Region, InterLATA)	
Services in South Carolina)	

DECLARATION OF LARRY E. MILLER

Larry E. Miller declares that:

1. I am employed by KMC Telecom Inc. ("KMC") as City Project Planner. My office address is 994 Explorer Boulevard, Huntsville, Alabama 35806.

CREDENTIALS

2. I have worked in the telecommunications industry for nine years. I started out at NASA as a Data Telecommunications Technician in 1988. In that position, I installed and maintained NASA's local area network (which consisted of dedicated, Ethernet and Appletalk networks). In 1994, I became a Network Analyst in NASA's Wide-Area Network Management Center ("WANMC"). There, I installed and maintained the Program Support Communications Network, which is essentially NASA's wide-area network backbone for all of its operations. In 1996, I became the Lead Network Analyst for the WANMC, supervising approximately ten Network Analysts.

3. I started at KMC in July of 1997 as City Project Planner. My principal duty involves coordinating KMC customer orders with BellSouth's Local Carrier Service Center and Complex Resale Group.

INTRODUCTION

4. KMC is a certificated provider of local and long distance services in 17 states.

KMC provides competitive access services using its own state-of-the-art fiber optic network in Huntsville, Alabama and resells the local exchange service of BellSouth Telecommunications, Inc. ("BellSouth") in Huntsville. As a new entrant in BellSouth's region, KMC has a very real interest in seeing that BellSouth meets all of the checklist requirements as a precondition to its obtaining authority to provide in-region long distance service. Once BellSouth receives interLATA authority, it has little incentive to cooperate with KMC and other local entrants in their efforts to bring competition to the local exchange market. Without BellSouth's full and active cooperation, competition in the local exchange market simply cannot and will not develop.

5. KMC is here to relate to the Commission its actual experience in attempting to provide competitive local exchange service in BellSouth's region. KMC's experiences make it clear that BellSouth at the present time does not have in place the systems or procedures necessary to allow the development of local exchange competition in even its most elementary form — the resale of BellSouth's own local exchange service.

BELLSOUTH'S PROVISIONING OF WHOLESALE LOCAL SERVICE

6. Entering the local exchange market on a facilities basis is a very difficult undertaking and involves countless steps, any and all of which can affect the ability of new entrants to provide competitive local exchange service. While perhaps less apparent, even the resale of BellSouth's local exchange service requires that a number of systems and procedures be put in place, be tested, perfected and made available in a commercially meaningful way. While KMC has an interconnection agreement with BellSouth, its experience to date indicates that

BellSouth does not have the necessary systems, procedures or personnel in place to meet its obligations under the interconnection agreement or to permit the development of local exchange competition.

7. In addition to the need to have all of these systems and people in place, it is also necessary that those involved have "gotten the message." KMC is their customer as well as their competitor, particularly in the resale situation. We will be buying unbundled elements and resell their services. Unfortunately to date our experience has been that rather than taking a positive can-do approach, dealing with BellSouth personnel has been an exercise in frustration. The transition to competition would be difficult in any circumstances, if BellSouth personnel are unwilling participants and act in that way, it won't work.

8. After entering into and having the Commission approve a resale agreement with BellSouth, KMC in theory may begin to market local exchange service. In order to market the service, however, KMC must be in a position to advise the customer that KMC can promptly and accurately fulfill the customer's service order and then provide service in a manner at least equivalent to that provided by BellSouth. With BellSouth's existing systems, which serve all CLECs from BellSouth's offices in Birmingham, AL (in the case of KMC) or Atlanta, GA, it is not possible today to undertake large scale marketing of local exchange service, even on a resale basis. BellSouth simply has not put in place or has not perfected the systems necessary so that KMC can obtain an order from a customer, submit that order, provide the customer with notice of initial service, provide service and accurately bill for the service.

9. The Commission should not underestimate the impact of these defects. Not only does it mean that KMC must minimize its initial marketing efforts, but to the extent that these

flaws exist, KMC risks its reputation for service and quality. As a new entrant seeking to obtain business from a 100 year monopoly, the customer is unlikely to provide KMC a second chance if it cannot provide the service requested in the time promised. The fact that the service is in fact BellSouth's, or that the delays or errors are BellSouth's is neither understood, appreciated or of relevance to the customer. All the customer knows and sees is that it had previously received service from BellSouth and did not have these problems. Having switched to KMC, it has problems with its phone service. Simply put, if KMC cannot deliver the goods in a timely manner, it cannot possibly compete.

10. KMC has experienced problems at every stage of the process. KMC has had orders lost, returned as in error, backlogged, and filled improperly. BellSouth has failed to advise KMC of whether it has received an order, when it expected to fill the order, and when it in fact has filled the order. KMC has then been improperly billed for service by being over-billed for certain services and by being billed for services never ordered or received. Further, BellSouth has continued sending bills to its former customers after they have switched to KMC.

11. I will described BellSouth's flawed provisioning of wholesale local service more specifically. First, while KMC can order simple services over BellSouth's Local Exchange Navigation System ("LENS") interface, it cannot do so for complex services, which form a significant portion of what services KMC orders. BellSouth's present system requires that KMC manually prepare an order form for each line in a complex service. Each order form is limited to 2 lines. This means to the extent KMC obtains an order from a small to medium size business customer with from 5 to 30 lines, KMC would be required to complete 3 to 15 order forms manually for this one order! When I raised this issue with BellSouth, I was told they simply

didn't have any other form to address the issue. By comparison, a BellSouth salesman would have on line access to electronic ordering.

12. Having manually completed the order forms for complex services, we have to fax them to BellSouth. It is our understanding that once received by BellSouth, a BellSouth employee keys the order into the BellSouth system. This, of course, presents another opportunity for human error to occur in placing the order. A problem a BellSouth sales person would not face.

13. When a BellSouth salesperson places an order, he or she receives a Firm Order Commitment ("FOC") within a matter of minutes. This FOC allows the salesman to advise the customer when its new service will commence. KMC has in a number of cases not received an FOC from BellSouth and in fact has frequently not even received a confirmation of the receipt of an order. To deal with this uncertainty, we have a procedure where we call BellSouth whenever placing an order to make sure that it was received. Unfortunately, my efforts cannot change the fact that, even when KMC has received a FOC from BellSouth providing a due date, BellSouth has consistently missed that date. I would be very surprised to learn that BellSouth treated its own customers in this manner.

14. Even for simple orders, BellSouth's LENS interface is inadequate and discriminatory.

15. First, in its present form, LENS is unsuitable for typical commercial use. It generally takes ten minutes to connect to LENS through dial-up access. No customer is going to wait on the line for that length of time. BellSouth's sales people, on the other hand, seem to have immediate access within a few seconds of a customer's call.

16. Second, while LENS has given resellers greater on-line access to customer service records ("CSRs"), it has significant limitations. When CSRs are large, LENS will not display them, and I must file a manual request with BellSouth. Usually, manual CSRs are not available for at least 48 hours. Additionally, I cannot view the CSRs of some customers after they switch to KMC. Thus, I am not in the same position as BellSouth's sales people who can view any CSR on-line.

17. Third, although LENS allows me to view an FOC 24 hours after I place a simple service order, this feature is inapplicable to complex services. As the data in Exhibit A show, it takes several days to receive an FOC for a complex service. Moreover, I do not enjoy the convenience of a BellSouth salesperson who receives FOCs for service orders while on the telephone with the customer. Unlike that salesperson, I have no way of immediately confirming that BellSouth's systems have processed my order.

18. Finally, LENS currently is an unstable, unpredictable software environment. It crashes frequently during the work day and, rather than being a finished product, it seems to be in the development stages. As a result, LENS has yielded some strange results. For instance, at one time it reported a service order as canceled even though BellSouth actually provisioned service for the particular customer. BellSouth had no explanation for this glitch. I believe that LENS requires much more development (perhaps to remedy the problems I discuss above) before it is ready to act as the primary interface between resellers and BellSouth. In its present form, LENS is inadequate and discriminatory.

19. Whatever the reason, it is clear to me that BellSouth does not have the systems or procedures in place to make even the simplest form of local competition available on a

commercially viable basis. Regardless of who is at fault (if there is fault), it is simply clear that competition does not and cannot exist in BellSouth's region at this time.

**EXHIBIT A DATA ON KMC'S EXPERIENCE
PURCHASING WHOLESALE LOCAL SERVICE**

20. Exhibit A contains data tracking every line that KMC's Alabama operations have provided to customers either by reselling BellSouth's wholesale local service or by using KMC's network in Huntsville.¹ Exhibit A has ten fields, labeled A through J. Field A lists the tracking number for a line. Field B is the date when KMC placed the order with BellSouth.² Field C is a KMC internal tracking number. Field D is the date on which KMC received an FOC from BellSouth. Field E is the date on which BellSouth completed the order. Field F is a KMC internal tracking number. Field G lists the difference between the FOC date and the completion date. Field H lists the type of service ordered. Fields I and J indicate whether the service was complex or simple, respectively.

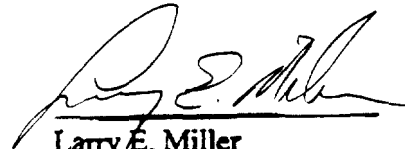
21. As is apparent from the data, KMC has experienced delays both in receiving FOCs and in having BellSouth complete the provisioning of lines. For instance, many FOC dates occur after the completion date because BellSouth returned the FOC only upon my prompting and after it had provisioned service.

¹ Please note that I labeled lines over KMC's own network as "On Net." Although these lines are not relevant to the inquiry in this proceeding, they appear on Exhibit A because it is an actual print-out of KMC's operating records.

² I should note that on line 2 of Exhibit A, KMC's order date is several days after the FOC date. This anomaly occurred as part of a paperwork mix-up between KMC and BellSouth, where we placed an undated order prior to the FOC date and used a later status date as the date of the order in Field A.

22. I highly doubt that BellSouth treats its own customers in this manner.

Pursuant to 47 C.F.R. § 1.16, I declare under penalty of perjury that the foregoing is true and correct. Executed on: October 17, 1997.

A handwritten signature in dark ink, appearing to read "Larry E. Miller", is written over a horizontal line.

Larry E. Miller
KMC City Project Planner

Commenter: KMC Telecom Inc.
Applicant: BellSouth
State: Louisiana
Date: November 25, 1997

Attachment 4

Declaration of Lynn W. Davis
on OSS

DECLARATION OF LYNN W. DAVIS

Lynn W. Davis declares that:

1. I am employed by KMC Telecom Inc. ("KMC") as Customer Service Manager. My office address is 333 Texas Street, Suite 890, Shreveport, Louisiana 71101.

CREDENTIALS

2. I have thirty years experience in the telecommunications industry, all of whose years with BellSouth. Most of those years were spent in a customer service capacity as a Service Representative, Instructor, and Supervisor.

3. I started at KMC in June of 1997 as Customer Service Manager. My principal duty involves coordinating KMC customer orders with BellSouth's Local Carrier Service Center and Complex Resale Group.

BELLSOUTH'S PROVISIONING OF WHOLESALE LOCAL SERVICE

4. Confirmation documentation providing billing information has been completely eliminated by BellSouth. For years BellSouth's Customer Service Records (CSR's) have provided rate information beside each piece of service or equipment for which a customer is billed. KMC uses this information for billing purposes. Effective November 19, rate information has been eliminated from the CSR. A BellSouth representative told KMC that "it is against BellSouth policy to provide rates on CSR's". This same representative advised KMC that through BOCRIS (Business Office Customer Record Information System – a system available to BellSouth but not to KMC) a Bell employee is able to look at a CSR with the rates, however, if KMC (or I assume any other CLEC) requests a CSR it is provided through another system which leaves rate

information off. Today, November 20, we were told by an employee in the billing office at Bell that they have been told if we call requesting rate information, they are to refer us to the tariff. Even when we asked for a breakdown of what our monthly charges would be, we were also referred to the tariff. I doubt very seriously that if a "regular" customer called, he would be referred to the tariff. This action has put us at a great disadvantage. KMC's BellSouth bill only shows billing by earning number, not by line number and the CSR was used for this breakdown. It is impossible for us to give our customer a billing breakdown by line number without this information.

5. Firm Order Confirmation. After a KMC order has been put into BellSouth's ordering system, a Firm Order Confirmation (FOC) is supposed to be sent to KMC within 48 hours advising us that the order is in the system, giving the due date, order number and any other pertinent information. This is the only way that KMC knows an order has been handled. FOC's are not always sent in a timely manner. Every order must be followed up and many times we have to make a call to BellSouth because we do not have an FOC. Our orders are fax'd to Bell's LCSC (Local Carrier Service Center). The LCSC handles simple orders. If the LCSC must send an order to another department for handling, e.g. the Vendor Service Center, we are not notified at all and have to make a call to find out where the order is or if it even has been received. Often the order cannot be found and we must re-fax it. I have several orders right now that were fax'd in the first week of November and have been sent to the VSC – I don't have anything in writing telling me the status of these orders. I have called the LCSC and have been told that the VSC has a backlog of work and these will be handled as soon as possible.

6. Missed appointments. There are procedures written in the BellSouth Resale Ordering Guide for the LCSC to notify KMC if one of our orders is placed into the missed appointment status. This means that an order is not worked for several different reasons, e.g., no access to the premises, customer not ready, unable to locate the address, etc. These procedures are not being followed. If one of our orders is missed, for example a wrong address, the order just sits there and the only way we know that it has not been completed is if we hear from the customer or happen to call to check on the order. Then our customer must wait another day or more for his order to be worked.

7. LENS. I have only attempted to use LENS twice. Both times when I finally got to the last screen to submit the order, I was given an error message. I was unable to clear up my error. I called several different people for help and was told that there was no error code book or anything to help me resolve my situation. I could cancel the order and start over. The reason that I do not use LENS now is, first of all, it is too cumbersome. I can manually prepare a service order and fax it to the LCSC in a fraction of the time that I can gain access to and submit an order through LENS. Second, most of our orders are for complex services and LENS will only allow you to issue simple service

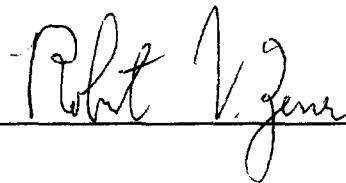
Pursuant to 47 C.F.R. 1.16, I declare under penalty of perjury that the foregoing is true and correct. Executed on: November 21, 1997.


Lynn W. Davis
KMC Customer Service Manager

Commenter: KMC Telecom Inc.
Applicant: BellSouth
State: Louisiana
Date: November 25, 1997

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing COMMENTS OF KMC TELECOM INC. IN OPPOSITION TO BELLSOUTH'S APPLICATION FOR INTERLATA AUTHORITY IN LOUISIANA were served to each on the attached mailing list, either by Hand Delivery (as designated with an asterisk (*)), or by First Class Mail, postage prepaid, this 25th day of November 1997.



(Original + 11 copies + Disk)

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Washington, DC 20554

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